

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1994

JULY 29, 1994.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. BROWN of California, from the Committee on Science, Space, and Technology, submitted the following

### R E P O R T

[To accompany H.R. 4008]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, Space, and Technology, to whom was referred the bill (H.R. 4008) to authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

### CONTENTS

	Page
I. Purpose of the bill .....	16
II. Committee actions .....	16
III. Background and need for the legislation .....	20
IV. Section-by-section analysis .....	20
V. Committee views .....	23
VI. Oversight findings and recommendations .....	26
VII. Congressional Budget Office information .....	26
VIII. Congressional Budget Office cost estimates .....	26
IX. Oversight findings and recommendations .....	28
X. Effect of legislation on inflation .....	29
XI. Changes in existing law made by the bill, as reported .....	29
XII. Committee recommendation .....	39

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "National Oceanic and Atmospheric Administration Authorization Act of 1994".

**SEC. 2. DEFINITIONS.**

For the purposes of this Act, the term—

(1) "Act of 1890" means the Act entitled "An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture", approved October 1, 1890 (26 Stat. 653);

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.); and

(3) "Act of 1970" means the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857-1 et seq.).

## **TITLE I—NOAA OCEAN AND COASTAL PROGRAMS**

**SEC. 101. NATIONAL OCEAN SERVICE.****(a) MAPPING AND CHARTING.—**

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving those activities, \$29,005,000 for fiscal year 1995 and \$30,049,000 for fiscal year 1996.

(2) **AUTOMATED NAUTICAL CHARTING.**—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to develop and implement an automated nautical charting system, \$1,300,000 for fiscal year 1995 and \$1,347,000 for fiscal year 1996.

(b) **GEODESY.**—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out geodesy activities under the Act of 1947 and any other law involving those activities, \$19,332,000 for fiscal year 1995 and \$20,028,000 for fiscal year 1996.

**(c) OBSERVATION AND PREDICTION.—**

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out observation and prediction activities under the Act of 1947 and any other law involving those activities, \$12,429,000 for fiscal year 1995 and \$12,876,000 for fiscal year 1996.

(2) **CIRCULATORY SURVEY PROGRAM.**—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Circulatory Survey Program, \$700,000 for fiscal year 1995 and \$725,000 for fiscal year 1996.

(3) **OCEAN AND EARTH SCIENCES.**—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out ocean and earth science activities, \$4,442,000 for fiscal year 1995 and \$4,602,000 for fiscal year 1996.

(4) **CENTER FOR OCEAN ANALYSIS AND PREDICTION.**—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to continue the activities of the Center for Ocean Analysis and Prediction, \$400,000 for fiscal year 1995 and \$414,000 for fiscal year 1996.

(5) **OBSERVATION BUOYS.**—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to operate and maintain observation buoys in the Chesapeake Bay, \$400,000 for fiscal year 1995 and \$414,000 for fiscal year 1996.

**(d) ESTUARINE AND COASTAL ASSESSMENT.—**

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to

support estuarine and coastal assessment activities under the Act of 1947 and any other law involving those activities, \$2,420,000 for fiscal year 1995 and \$2,507,000 for fiscal year 1996.

(2) OCEAN ASSESSMENT.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the National Status and Trends Program, the Strategic Environmental Assessment Program, and the Hazardous Materials Response Program, \$18,945,000 for fiscal year 1995 and \$19,627,000 for fiscal year 1996.

(3) DAMAGE ASSESSMENT PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out the Damage Assessment Program, \$1,500,000 for fiscal year 1995 and \$1,554,000 for fiscal year 1996.

(4) COASTAL OCEAN PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce to, enable the National Oceanic and Atmospheric Administration to carry out the Coastal Ocean Program, \$11,433,000 for fiscal year 1995 and \$11,845,000 for fiscal year 1996. Of the amounts authorized under this paragraph for fiscal years 1995 and 1996, a total of \$120,000 is available until expended to study the use of oceanographic data obtained from satellite imagery and other sources to determine and predict the presence of endangered sea turtles in the Gulf of Mexico.

(e) OCEAN MANAGEMENT.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out deep ocean mineral and ocean energy activities, \$500,000 for each of fiscal years 1995 and 1996.

#### SEC. 102. OCEAN AND GREAT LAKES RESEARCH.

##### (a) MARINE PREDICTION RESEARCH.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine prediction research activities under the Act of 1947, the Act of 1890, and any other law involving those activities, \$10,000,000 for fiscal year 1995 and \$10,360,000 for fiscal year 1996.

##### (2) GREAT LAKES ENVIRONMENTAL RESEARCH LABORATORY.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce, for the operation and maintenance of the Great Lakes Environmental Research Laboratory, \$4,558,000 for fiscal year 1995 and \$4,722,000 for fiscal year 1996.

(B) GREAT LAKES NEARSHORE RESEARCH.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out nearshore research activities of the Great Lakes Environmental Research Laboratory, \$500,000 for each of fiscal years 1995 and 1996.

(C) ZEBRA MUSSEL RESEARCH.—In addition to amounts authorized under subparagraph (A), there are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out zebra mussel research activities of the Great Lakes Environmental Research Laboratory under the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701 et seq.), \$911,000 for fiscal year 1995 and \$1,125,000 for fiscal year 1996.

(3) SOUTHEAST FLORIDA AND CARIBBEAN RECRUITMENT PROGRAM.—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary of Commerce a total of \$2,000,000 for fiscal years 1995 and 1996 to enable the National Oceanic and Atmospheric Administration to carry out, through the Cooperative Institute for Marine and Atmospheric Studies, collaborative investigations to examine the physical and biological processes which—

(A) occur in tropical marine environments in coastal waters of the United States, Florida, and the Caribbean; and

(B) impact variability and development of fisheries resources.

(b) NATIONAL UNDERSEA RESEARCH PROGRAM.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out undersea research activities under the National Undersea Research Program established by section 411, \$22,100,000 for fiscal year 1995 and \$24,200,000 for fiscal year 1996, of which \$1,250,000 shall be available each fiscal year for implementing section 411(c).

**(c) CLIMATE AND GLOBAL CHANGE RESEARCH.—**

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out climate and global change research activities, \$66,000,000 for fiscal year 1995 and \$84,012,000 for fiscal year 1996. Of sums appropriated under this subsection, sufficient funds should be made available by the Secretary of Commerce to initiate and support research on the effects of climate and global change on the Nation's major freshwater systems, including the Great Lakes and the Mississippi River.

(2) **ENVIRONMENTAL OBSERVATIONS.**—In addition to the amounts authorized to be appropriated under paragraph (1), there is authorized to be appropriated to the Secretary of Commerce \$7,000,000 for each of fiscal years 1995 and 1996 for a program to increase scientific understanding of the earth by using a network of schools to collect environmental observations. Beginning in fiscal year 1996, amounts appropriated for such program may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for such program.

(3) **IMPLEMENTATION OF LANDSAT AGREEMENT.**—Section 103 of the Land Remote Sensing Policy Act of 1992 is amended by adding at the end the following new subsection:

“(c) **IMPLEMENTATION OF AGREEMENT.**—If negotiations under subsection (a) result in an agreement that the Landsat Program Management determines generally achieves the goals stated in subsection (a)(1) through (8), the Landsat Program Management shall award an extension, until the practical demise of Landsat 4 or Landsat 5, whichever occurs later, of the existing contract with the Landsat 6 contractor incorporating the terms of such agreement.”

## **TITLE II—NOAA MARINE FISHERY PROGRAMS**

### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

The National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210; 97 Stat. 1409) is amended—

(1) in section 2(a) by—

(A) striking “1992 and” and inserting “1992,”; and

(B) inserting after “1993” the following: “, \$51,092,000 for fiscal year 1995, and \$52,931,000 for fiscal year 1996”;

(2) in section 3(a) by—

(A) striking “1992 and” and inserting “1992,”; and

(B) inserting after “1993” the following: “, \$14,198,000 for fiscal year 1995, and \$14,709,000 for fiscal year 1996”; and

(3) in section 4(a) by—

(A) striking “1992 and” and inserting “1992,”; and

(B) inserting after “1993” the following: “, \$17,089,000 for fiscal year 1995, and \$17,704,000 for fiscal year 1996”.

### **SEC. 202. AMENDMENTS TO THE MERCHANT MARINE ACT, 1936.**

Section 1104A(b)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(b)(2)), is amended in the third proviso by striking “, except that no debt may be placed under this proviso through the Federal Financing Bank”.

### **SEC. 203. SCALLOP RESTORATION PROGRAM.**

There are authorized to be appropriated to the Secretary of Commerce \$200,000 for each of fiscal years 1995 and 1996, for the establishment and maintenance of a scallop restoration program for Long Island Sound.

### **SEC. 204. SALTONSTALL-KENNEDY PROGRAM AMENDMENTS.**

(a) **IN GENERAL.**—Section 2 of the Act of August 11, 1939 (15 U.S.C. 713c–3), popularly known as the “Saltonstall-Kennedy Act”, is amended—

(1) by striking “SEC. 2.” the second place it appears;

(2) in subsection (b)(1) by—

(A) striking subparagraph (B);

(B) striking “only for—” and all that follows through “the Secretary—” and inserting “only for use by the Secretary—”;

(C) redesignating clauses (i), (ii), and (iii) in order as subparagraphs (A), (B), and (C); and

(D) moving subparagraphs (A), (B), and (C), as redesignated by subparagraph (C) of this paragraph, 2 ems to the left so that the left margin of

those subparagraphs is aligned with the left margin of section 2(a)(5) of that Act (15 U.S.C. 713c-3(a)(5)); and

(3) by striking the designation and heading for subsection (c) and all that follows through paragraph (4) of that subsection, and inserting the following:

“(c) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—

“(1) IN GENERAL.—The Secretary shall make grants from the fund established under subsection (b) for the purpose of assisting persons in carrying out research and development projects to promote the sustainable use and development of United States fisheries, including harvesting, processing, aquaculture, marketing, and associated infrastructures.

“(2) SECRETARY’S DUTIES.—The Secretary shall each fiscal year—

“(A) receive at least once, during a 60-day period specified by the Secretary, applications for grants under this subsection pursuant to a Request for Proposals published in the Federal Register;

“(B) prescribe in that Request for Proposals the form and manner in which applications for grants under this subsection must be made, including the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be properly evaluated under paragraph (3);

“(C) include in that Request for Proposals a list of priorities for grants under this subsection that is based on the priorities recommended for the fiscal year under paragraph (3)(F); and

“(D) approve or disapprove each such application—

“(i) based primarily on the recommendations of the grants review panel established under paragraph (3) for the fiscal year; and

“(ii) before the end of the 90-day period beginning on the day after the last day of the application period specified in the Request for Proposals under subparagraph (A); and

“(E) to the extent amounts are available, obligate funds for grants for approved applications before the end of the fiscal year for which the funds are available, except that up to 10 percent of funds available for a fiscal year may be obligated in the next fiscal year.

“(3) EVALUATION AND APPROVAL OF PROPOSALS.—

“(A) SUITABILITY FOR EVALUATION.—For each application received under paragraph (2) in a fiscal year, the Secretary shall—

“(i) make a determination whether the project proposed in the application meets the requirements of this subsection and is consistent with the priorities recommended for the fiscal year under subparagraph (F); and

“(ii) if so, forward the proposal to the grants review panel established for the fiscal year under subparagraph (B).

“(B) GRANTS REVIEW PANEL.—Each fiscal year, the Secretary shall establish a grants review panel that consists of individuals with expertise in fisheries research, development, or management, that represents a balance among those disciplines, that is balanced in the representation of those disciplines, and that is balanced in the representation of the geographic regions of the United States. Each grants review panel shall review each proposal forwarded by the Secretary under subparagraph (A)(ii) and make recommendations to the Secretary for awarding grants under this subsection among those proposals for the fiscal year, subject to the criteria described in subparagraph (C) and consistent with the funding available for the fiscal year.

“(C) CRITERIA FOR EVALUATION OF PROPOSALS.—Each grants review panel shall evaluate each proposal as to—

“(i) the value of the proposal in promoting the purpose described in paragraph (1) in general and in fulfilling the applicable regional priorities recommended under subparagraph (F);

“(ii) the soundness of its design (including the likelihood of securing useful results, and the organization and management of the proposal);

“(iii) the minimization of duplication within fisheries research and development activities; and

“(iv) based on the criteria in clauses (i), (ii) and (iii), the overall quality and rank of the proposal relative to the other proposals under review.

“(D) INDUSTRIAL PARTNERS.—In evaluating and ranking proposals under this subsection that are of equivalent overall quality and rank based on the criteria set forth in subparagraph (C), a grants review panel and the Secretary shall give preference to proposals in which at least 1 of the persons

that would be a principal grantee under the proposal receives a substantial portion of income from seafood harvesting, processing, marketing, or propagation.

“(E) NOTICE OF DECISION BY THE SECRETARY.—If the Secretary approves or disapproves an application for a proposal contrary to the recommendations of a grants review panel, the Secretary shall notify the panel, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of that decision, including the reasons for that decision.

“(F) RECOMMENDATIONS FOR FUTURE FUNDING PRIORITIES.—Each grants review panel shall, after evaluating proposals and making grants recommendations, and after consulting with interested parties, recommend to the Secretary for the next fiscal year national and regional priorities for grants under this subsection.

“(4) TERMS AND CONDITIONS.—Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including the following:

“(A) RECORDS.—The recipient of the grant—

“(i) must keep such records as the Secretary shall require as being necessary and appropriate for disclosing the use made of grant funds; and

“(ii) shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

“(B) AMOUNT OF GRANT.—The amount of a grant may not be less than 50 percent of the estimated cost of the project.

“(C) PERIOD OF GRANT.—A grant may not provide funding for more than 2 years from the date of the release of the funds to the grantee.

“(D) STATUS REPORT.—The recipient of a grant shall submit annually to the Secretary a project status report. The Secretary may not release funds to the recipient for any subsequent period of funding for that grant or for any other grant to that recipient made by the Secretary under this subsection until the Secretary receives that report.”.

(b) APPLICATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section apply to fiscal years beginning after the date of the enactment of this Act.

(2) LIST OF REGIONAL PRIORITIES.—Notwithstanding section 2(c)(2)(C) of the Act of August 11, 1939, as amended by subsection (a)(2) of this section, the list of priorities referred to in that section for the first fiscal year beginning after the date of the enactment of this Act is not required to be based on priorities recommended under paragraph (3)(F) of that section.

## TITLE III—ADMINISTRATION AND OTHER ACCOUNTS

### SEC. 301. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities under the Act of 1970 and any other law involving those activities, \$25,000,000 for fiscal year 1995 and \$25,900,000 for fiscal year 1996.

(b) SYSTEMS ACQUISITION OFFICE.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to operate and maintain the Systems Acquisition Office under the Act of 1970, \$1,100,000 for fiscal year 1995 and \$1,140,000 for fiscal year 1996.

(c) CENTRAL ADMINISTRATIVE SUPPORT.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out central administrative support activities under the Act of 1970 and any other law involving those activities, \$38,000,000 for fiscal year 1995 and \$39,368,000 for fiscal year 1996.

(d) RETIRED PAY.—There are authorized to be appropriated to the Secretary of Commerce, for retired pay for retired commissioned officers of the National Oceanic and Atmospheric Administration under the Act of 1970, \$7,706,000 for fiscal year 1995 and \$7,983,000 for fiscal year 1996.

(e) **MARINE SERVICES.**—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine services activities (including ship operations, maintenance, and support) under the Act of 1947 and any other law involving those activities, \$63,508,000 for fiscal year 1995 and \$65,794,000 for fiscal year 1996.

## TITLE IV—MISCELLANEOUS NOAA PROGRAMS

### SEC. 401. NAUTICAL PRODUCTS.

(a) **DEPOSIT AND USE OF RECEIPTS FROM NAUTICAL PRODUCTS.**—Notwithstanding section 1307(b) of title 44, United States Code, one-sixth of the fees collected each fiscal year from the sale of nautical products by the National Oceanic and Atmospheric Administration and from any licensing of those products by the National Oceanic and Atmospheric Administration which is authorized by law—

(1) shall be deposited into the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration; and

(2) shall be available to the Secretary of Commerce, in the manner provided for under section 312(d) of the National Marine Sanctuaries Act, only for the acquisition and installation of Physical Ocean Real-Time Systems, the acquisition and maintenance of upgraded hydrographic survey equipment, and other National Ocean Service activities directly related to the modernization and improvement of maritime safety.

(b) **BUDGETARY TREATMENT OF RECEIPTS FROM NAUTICAL PRODUCTS.**—Amounts deposited and available to the Secretary of Commerce under subsection (a)(1) and (2)—

(1) shall not be considered to be offsetting receipts of the National Oceanic and Atmospheric Administration or the Department of Commerce; and

(2) shall not be available for administrative costs of the National Oceanic and Atmospheric Administration or the Department of Commerce.

(c) **DEPLOYMENT OF PHYSICAL OCEAN REAL TIME SYSTEM.**—No later than 270 days after the date of enactment of this Act, the Secretary of Commerce shall deploy, in Galveston Bay and the Houston Ship Channel a Physical Ocean Real Time System consisting, at a minimum, of current, wind, tide, salinity, and water level measuring devices and necessary computer links.

### SEC. 402. USE OF OCEAN RESEARCH RESOURCES OF OTHER FEDERAL AGENCIES.

(a) **FINDINGS.**—The Congress finds the following:

(1) Changes in the defense needs of the United States have redefined the status of many defense-related assets.

(2) Observing, monitoring, and predicting the ocean environment has been a high priority for the defense community to support ocean operations.

(3) Many advances in ocean research have been made by the defense community which could be shared with civilian researchers.

(4) The National Oceanic and Atmospheric Administration's missions to describe and predict the ocean environment, manage the Nation's ocean and coastal resources, and promote stewardship of the world's oceans would benefit from increased cooperation with defense agencies.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that the National Oceanic and Atmospheric Administration should expand its efforts to develop inter-agency agreements to further the use of defense-related technologies, data, and other resources to support its oceanic missions.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the feasibility of expanding the use of defense-related technologies, data, and other resources to support and enhance the oceanic missions of the National Oceanic and Atmospheric Administration.

(2) **CONTENTS.**—The report required under paragraph (1) shall include—

(A) a detailed listing of defense-related resources currently available to the National Oceanic and Atmospheric Administration and the National Ocean and Atmospheric Administration missions which utilize those resources;

(B) detailed findings and recommendations, including funding requirements, on the potential for expanding the use of available defense-related resources;

(C) a detailed listing and funding history of the National Oceanic and Atmospheric Administration resources, including data and technology, which could be supplemented by defense-related resources;

(D) a listing of currently unavailable defense-related resources, including data and technology, which if made available would enhance the National Oceanic and Atmospheric Administration mission performance;

(E) recommendations on the regulatory and legislative structures needed to maximize the use of defense-related resources;

(F) an assessment of the respective roles in the use of defense-related resources of the Corps, data centers, operational centers, and research facilities of the National Oceanic and Atmospheric Administration; and

(G) recommendations on how to provide access to relevant defense-related data for non-Federal scientific users.

#### SEC. 403. NAUTICAL CHARTING MODERNIZATION AND IMPROVEMENT.

(a) **STUDY.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of National Oceanic and Atmospheric Administration programs related to marine navigation safety.

(b) **CONTENTS.**—The study under subsection (a) shall include the funding history of navigation-related programs of the National Oceanic and Atmospheric Administration, adjusted for inflation, over at least the last 10 fiscal years, and detailed findings and recommendations on the following:

(1) The missions and objectives of National Oceanic and Atmospheric Administration's navigation-related programs, including regarding the statutory or other authorities that enable or require the National Oceanic and Atmospheric Administration to conduct those programs.

(2) The technological, financial, or other factors that limit the National Oceanic and Atmospheric Administration's ability to modernize its navigation-related programs.

(3) Near-term actions, without regard to financial constraints, that are required to enable National Oceanic and Atmospheric Administration to address critical deficiencies in its navigation-related programs.

(4) Actions that need to be taken to allow the National Oceanic and Atmospheric Administration to fulfill its navigation-related responsibilities into the 21st century.

(5) A comparison of the resources and activities of National Oceanic and Atmospheric Administration's navigation-related programs with those of other Federal agencies supporting the United States maritime infrastructure.

(6) Past organizational changes within the National Oceanic and Atmospheric Administration and foreseeable future organizational changes that have affected, or would affect, the ability of the National Oceanic and Atmospheric Administration to provide navigation-related services.

#### SEC. 404. WEST COAST GROUND FISH LABORATORY.

In selecting a site for placement of a replacement for the National Marine Fisheries Service Lab at Tiburon, California, the Secretary of Commerce shall take into account the following factors:

(1) The proximity of sites considered to—

(A) groundfish fisheries, salmon fisheries, and other unique marine study areas;

(B) academic and private research institutions which conduct relevant marine habitat and environmental research;

(C) other National Oceanic and Atmospheric Administration research and management elements; and

(D) other Federal, State, and private marine related research facilities.

(2) The ability of the National Oceanic and Atmospheric Administration to retain current staff.

(3) The relative construction and operation costs, including the potential for collocation with other Federal facilities.

#### SEC. 405. MARINE SANCTUARIES FACILITIES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce shall report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on needs of the Department of Commerce for facilities (including real property for facilities) for the National Marine Sanctuary Program established under the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).



**SEC. 406. SAN FRANCISCO BAY PORT SYSTEM.**

(a) **IN GENERAL.**—The Secretary of Commerce (hereinafter in this section referred to as the “Secretary”) shall establish for San Francisco Bay in accordance with this section the safe navigation system known as the Physical Ocean Real Time System (known, and hereinafter in this section referred to, as the “PORT System”), after completion of implementation of section 401(c).

(b) **STUDY.**—After completion of implementation of section 401(c), and not later than 1 year after the date of that completion, the Secretary shall conduct a hydrodynamics modeling study of San Francisco Bay to determine the appropriate technology and equipment and the effective placement of instruments for the establishment of the PORT System for San Francisco Bay.

(c) **IMPLEMENTATION.**—

(1) **IN GENERAL.**—Not later than 1 year after the completion of the study under subsection (b), the Secretary, in consultation with the State of California Office of Oil Spill Prevention and Response and subject to paragraph (2), shall acquire, install, and activate appropriate equipment to establish an operational PORT System for the San Francisco Bay.

(2) **CONDITION.**—The Secretary may not take any action under paragraph (1) unless the State of California Office has provided to the Secretary adequate assurances that the State will fund the operation and maintenance of the PORT System for San Francisco Bay after its installation.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this section \$4,200,000 for fiscal years 1995 and 1996.

**SEC. 407. CONVEYANCE OF NATIONAL MARINE FISHERIES SERVICE LABORATORY AT GLOUCESTER, MASSACHUSETTS.**

(a) **CONVEYANCE REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Commerce shall convey to the Commonwealth of Massachusetts, all right, title, and interest of the United States in and to the property comprising the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

(2) **TERMS.**—A conveyance of property under paragraph (1) shall be made—

(A) without payment of consideration; and

(B) subject to the terms and conditions specified under subsections (b) and (c).

(b) **CONDITIONS FOR TRANSFER.**—

(1) **IN GENERAL.**—As a condition of any conveyance of property under this section, the Commonwealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the right and title to that property.

(2) **CONTINUED USE OF PROPERTY BY NMFS.**—The Secretary may enter into a memorandum of understanding with the Commonwealth of Massachusetts under which the National Marine Fisheries Service is authorized to occupy existing laboratory space on the property conveyed under this section, if—

(A) the term of the memorandum of understanding is for a period of not longer than 5 years beginning on the date of enactment of this Act; and

(B) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(c) **REVERSIONARY INTEREST.**—All right, title, and interest in and to all property conveyed under this section shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries resource management program.

**SEC. 408. REIMBURSEMENT OF EXPENSES.**

(a) **IN GENERAL.**—Notwithstanding section 3302 (b) and (c) of title 31, United States Code, and subject to subsection (b) of this section, all amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHERY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER—

(1) shall be retained as an offsetting collection in the Fleet Modernization, Shipbuilding, and Conversion account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited in that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration vessel repairs.

(b) **LIMITATION.**—Not more than \$518,757.09 of the amounts referred to in subsection (a) may be deposited into the Fleet Modernization, Shipbuilding, and Conversion account pursuant to subsection (a).

**SEC. 409. NOAA FLEET MODERNIZATION.**

(a) **AUTHORITY TO CONTRACT.**—

(1) **IN GENERAL.**—The Secretary may enter into only the following contracts in fiscal years 1995 and 1996 to implement the Plan:

- (A) Repairs to extend the service life of the R/V DISCOVERER.
- (B) Construction of a medium endurance oceanographic research vessel.
- (C) A service life extension of the R/V DELAWARE II.
- (D) Conversion of a T-AGOS vessel for oceanographic research.
- (E) Construction of a coastal/low endurance vessel for living marine research.
- (F) Leasing to fulfill any NOAA mission requirements.
- (G) Necessary repairs to and maintenance of any vessel in the NOAA fleet, subject to subsection (b).
- (H) Necessary requirements, designs, and specifications for future vessel repair, conversion, construction, or lease.

(2) **CONTRACT DEFINED.**—Section 602 of the NOAA Fleet Modernization Act (33 U.S.C. 891) is amended by adding at the end the following:

“(6) ‘contract’ means any contract or other agreement for the construction, conversion, lease, chartering, service life extension, or repair or maintenance of any vessel of the NOAA fleet, and provision of related equipment, including the development of any necessary requirement, design, or specification. The term includes contracts entered into on behalf of the Secretary by another Federal department, agency, or instrumentality, if the vessel which is the subject of the contract will be operated by or for the benefit of the Department of Commerce.”.

(b) **LIMITATION ON EXPENDITURES FOR REPAIRS AND MAINTENANCE.**—Notwithstanding any other law, of the total amount appropriated for fiscal years 1991 through 1996 to the Fleet Modernization, Shipbuilding, and Conversion account of the National Oceanic and Atmospheric Administration, not more than 20 percent may be expended by the Secretary for repairs and maintenance of vessels in the NOAA fleet.

(c) **LEASING AND CONTRACTS.**—

(1) **IN GENERAL.**—The Secretary shall for each of fiscal years 1995 and 1996, enter into contracts or service contracts under the NOAA Fleet Modernization Act (33 U.S.C. 891 et seq.) to use University-National Oceanographic Laboratory System or non-Federal vessels.

(2) **AMOUNT SUBJECT TO OBLIGATION.**—Amounts subject to obligation under paragraph (1) shall be, for each fiscal year, the greater of \$6,000,000 or 10 percent of the amounts appropriated to the Fleet Modernization, Shipbuilding, and Conversion account for fiscal years 1995 and 1996.

(d) **DEFINITIONS.**—In this section each of the terms “contract”, “NOAA”, “NOAA fleet”, “Plan”, and “Secretary” has the meaning given to that term in section 602 of the NOAA Fleet Modernization Act (33 U.S.C. 891), as amended by this section.

**SEC. 410. STUDY OF NOAA CORPS.**

(a) **STUDY.**—The Secretary of Commerce shall, subject to the availability of appropriations, contract with the Marine Board of the National Research Council to examine and report to the Secretary on the appropriate role of the National Oceanic and Atmospheric Administration Corps in supporting NOAA missions. In particular, the Marine Board shall—

(1) examine whether there is a continued need for a uniformed service to operate the NOAA fleet, fly weather observations, conduct hydrographic surveys, manage national marine sanctuaries, conduct NOAA research, and participate in other NOAA activities;

(2) examine the role of the NOAA Corps in modernizing the NOAA fleet and the involvement of the NOAA Corps in obtaining efficient, effective, low-cost ship support of NOAA missions;

(3) compare the full costs of utilizing the services of the NOAA Corps compared to civilian employees in similar positions; and

(4) determine whether adequately trained civilian employees are available to fill NOAA Corps positions.

(b) **DEADLINE.**—No later than 1 year after the date of enactment of this Act, the Secretary of Commerce shall submit the report of the Marine Board under subsection (a) to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) DEFINITIONS.—In this section, the definitions in section 409(d) apply.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Commerce to carry out this section a total of \$100,000 for fiscal years 1995 and 1996, to remain available until expended.

#### SEC. 411. UNDERSEA RESEARCH PROGRAM.

(a) ESTABLISHMENT.—There is established in the National Oceanic and Atmospheric Administration a program to be known as the National Undersea Research Program. The head of the Program shall be the National Undersea Research Program Director. The Program shall be conducted at centers which shall each be known as a National Undersea Research Program Center. Each Center shall be administered by a Center Director.

(b) PROGRAM PURPOSE.—The National Undersea Research Program shall develop, maintain, and conduct undersea research programs to enhance the understanding of processes in the oceans, coastal areas, and large lakes of the world through the use and development of undersea technologies.

(c) CENTER FOR GULF OF MEXICO REGION.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Commerce shall establish and maintain, at a qualified public institution, a National Undersea Research Program center for the Gulf of Mexico to carry out the National Undersea Research Program for the Gulf of Mexico region.

(2) DEFINITION.—For purposes of this subsection, “qualified public institution” means a public institution or consortium of public institutions of higher education located directly on the coastline of, or having direct access to, the Gulf of Mexico.

(3) LIMITATION.—In carrying out this subsection, the Secretary of Commerce shall not reduce amounts available for carrying out the Memorandum of Agreement Concerning Support of a National Academic Deep Submergence Facility of Scientific Use.

(d) SOLICITATION OF PROPOSALS FOR NEW CENTERS.—

(1) IN GENERAL.—The Under Secretary may solicit proposals for the establishment of a new Center from institutions of higher education or oceanographic research.

(2) PROPOSAL REQUIREMENTS.—A proposal submitted under this subsection shall consist of—

- (A) a proposed science program;
- (B) a program management plan;
- (C) a description of the facilities of the institution at which the Center is proposed to be established;
- (D) a description of relevant capabilities of that institution;
- (E) an operational safety plan;
- (F) mechanisms for information transfer;
- (G) a budget for the proposed Center; and
- (H) any other information the Under Secretary considers necessary.

(e) REVIEW OF PROPOSALS.—The Under Secretary shall review each proposal submitted by an institution under subsection (d) on the basis of—

- (1) relevance of the proposal to priority research areas; and
- (2) the capability of the institution at which the new Center is proposed to be established to administer and direct research in those areas.

(f) CENTER DIRECTOR.—Each institution at which a new Center is established under this section may select, in consultation with the Under Secretary, an individual who shall be the Center Director of that Center.

(g) 6-YEAR REVIEW OF CENTERS AND REGIONS.—

(1) IN GENERAL.—Every 6 years the Under Secretary shall jointly review—

(A) the operation of each Center, except that in the case of a Center in existence on the day before the date of the enactment of this Act, the first review of the Center shall be completed by not later than the date which is 5 years after that date of enactment; and

(B) the configuration of the undersea regions for which those Centers are responsible, to determine whether those regions meet scientific needs for research in priority research areas.

(2) CONTENT OF REVIEW.—A review of a Center under this subsection shall consist of—

(A) an evaluation of the quality of the research conducted at the Center under the Program and the applicability of the research to the priority research areas;

(B) recommendations for changes in the scientific research program and the operation of the Center, that are considered beneficial by the Under Secretary;

(C) a determination of whether the continued operation of the Center will increase knowledge in the priority research areas; and

(D) recommendations for the modification of the undersea regions of the Center.

(3) **ESTABLISHMENT OF NEW CENTER AT DIFFERENT INSTITUTION.**—If the Under Secretary determines as a result of a review under this subsection that continued operation of a Center for an undersea region is not warranted, the Under Secretary—

(A) shall provide notification of that determination to the Center, including a description of any changes in the operations of the Center the Under Secretary considers necessary for continued operation of the Center;

(B) shall after 18 months after providing that notice, and not later than 2 years after providing that notice, review the implementation of those changes by the Center; and

(C) may establish, at a different institution of higher education or oceanographic research, a new Center for the same undersea region in accordance with this section, if the Under Secretary determines as a result of the review under subparagraph (B) that those changes are not implemented.

(h) **INDIVIDUAL RESEARCH PROPOSALS.**—Each Center Director shall annually solicit individual proposals from the scientific community for research to advance the priority research areas of the Program. Research under each proposal shall be primarily conducted within the undersea region of the Center of the Center Director, but may be conducted in another undersea region in cooperation with the Center for that other region, or other geographic areas with the approval of the Program Director. Proposals under this subsection may be for multiyear research. Each proposal under this subsection shall be subject to peer review.

(i) **DEFINITIONS.**—In this section:

(1) **CENTER.**—The term “Center” means a National Undersea Research Program Center.

(2) **PROGRAM.**—The term “Program” means the National Undersea Research Program established by subsection (a).

(3) **PROGRAM DIRECTOR.**—The term “Program Director” means the National Undersea Research Program Director.

(4) **UNDER SECRETARY.**—The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.

#### **SEC. 412. REPORT ON RESEARCH AND EFFECTS OF CLIMATE AND GLOBAL CHANGE ON FRESHWATER SYSTEMS.**

Within 60 days after the date of submission of the President’s budget request for each of fiscal years 1996 and 1997, the Secretary of Commerce shall submit a report to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, on—

(1) the amount of funds allocated and the activities supported for research on the effects of climate and global change on the Nation’s major freshwater systems, including international commitments;

(2) the criteria used in determining those allocations and in selecting those activities; and

(3) specific proposed agency plans for implementing research programs and activities to evaluate the effects of climate and global change on the Nation’s major freshwater systems.

#### **SEC. 413. PROMOTION AND COORDINATION OF NATIONAL ESTUARINE RESEARCH RESERVES.**

The Secretary of Commerce shall take such action as is necessary and reasonable to promote and coordinate the use of National Estuarine Research Reserves for research, monitoring, and education purposes. Such action may include consulting with Federal agencies, States, local governments, regional agencies, interstate agencies, or other persons to promote use of one or more such reserves for research, monitoring, and education, including coordination with the National Marine Sanctuaries Program.

#### **SEC. 414. STUDY ON EFFECTS OF DOLPHIN FEEDING.**

(a) **STUDY.**—The Secretary of Commerce shall conduct a study on the effects of feeding noncaptive dolphins in the Gulf of Mexico and Southern Atlantic Ocean. The study shall consider the potential impacts on the behavior or general health of wild populations of dolphins resulting from this feeding.

(b) **USE OF THE STUDY.**—The Secretary of Commerce shall use the results of the study required under subsection (a) in determining whether and under what conditions feeding noncaptive dolphins may be authorized.

(c) **REPORT.**—Within 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

**SEC. 415. FLOWER GARDEN BANKS BOUNDARY MODIFICATION.**

(a) **MODIFICATION.**—Notwithstanding section 304 of the National Marine Sanctuaries Act (16 U.S.C. 1434), the boundaries of the Flower Garden Banks National Marine Sanctuary, as designated by Public Law 102-251, are amended to include the area described in subsection (d), popularly known as Stetson Bank. This area shall be part of the Flower Garden Banks National Marine Sanctuary and shall be managed and regulated as though it had been designated by the Secretary of Commerce under the National Marine Sanctuaries Act.

(b) **DEPICTION OF SANCTUARY BOUNDARIES.**—The Secretary of Commerce shall—  
(1) prepare a chart depicting the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section; and

(2) submit copies of this chart to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) **APPLICATION OF REGULATIONS.**—Regulations issued by the Secretary of Commerce to implement the designation of the Flower Garden Banks National Marine Sanctuary shall apply to the area described in subsection (d), unless modified by the Secretary. This subsection shall take effect 45 days after the date of enactment of this Act.

(d) **AREA DESCRIBED.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the area referred to in subsections (a), (b), and (c) is the area that is—

(A) generally depicted on the Department of the Interior, Minerals Management Service map titled "Western Gulf of Mexico, Lease Sale 143, September 1993, Biologically Sensitive Areas, Map 3 of 3, Final";

(B) labeled "Stetson" on the High Island Area South Addition diagram on that map; and

(C) within the 52 meter isobath.

(2) **MINOR BOUNDARY ADJUSTMENTS.**—The Secretary of Commerce may make minor adjustments to the boundaries of the area described in paragraph (1) as necessary to protect the living coral resources of Stetson Bank or to simplify administration of the Flower Garden Banks National Marine Sanctuary.

(e) **PUBLICATION OF NOTICE.**—

(1) **IN GENERAL.**—The Secretary of Commerce shall, as soon as practicable after the date of the enactment of this Act, publish in the Federal Register a notice describing—

(A) the boundaries of the Flower Garden Banks National Marine Sanctuary, as modified by this section, and

(B) any modification of regulations applicable to that Sanctuary that are necessary to implement that modification of the boundaries of the Sanctuary.

(2) **TREATMENT AS NOTICE REQUIRED UNDER NATIONAL MARINE SANCTUARIES ACT.**—A notice published under paragraph (1) shall be considered to be the notice required to be published under section 304(b)(1) of the National Marine Sanctuaries Act (16 U.S.C. 1434).

**SEC. 416. AMENDMENTS RELATING TO NATIONAL COASTAL RESOURCES RESEARCH AND DEVELOPMENT INSTITUTE.**

(a) **ADMINISTRATION OF INSTITUTE.**—Section 201(a) of the Act entitled "An Act to authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes" (16 U.S.C. 1463b(a)) is amended by striking "by the Oregon State Marine Science Center" and inserting "by the Oregon State System of Higher Education".

(b) **FUNCTIONS OF INSTITUTE.**—Section 201(b) of such Act (16 U.S.C. 1463b(b)) is amended to read as follows:

"(b) The Institute shall promote the economic growth and prosperity of the United States by transferring research and technology into applications to improve the economic, environmental, and social well-being of the Nation's coastal communities and the competitiveness of coastal businesses."

(c) **MEMBERSHIP OF BOARD OF GOVERNORS.**—Section 201(c)(1) of such Act (16 U.S.C. 1463b(c)(1)) is amended to read as follows:

"(c)(1) The policies of the Institute shall be determined by a Board of Governors composed of—

"(A) 1 representative appointed by the Chancellor of the Oregon State System of Higher Education; and

"(B) 1 representative of each of the following regions, appointed jointly by Governors of the States comprising that region:

"(i) The Alaska region, consisting of Alaska.

"(ii) The Northwest Pacific Coast region, consisting of Oregon and Washington.

"(iii) The Southwest Pacific Coast region, consisting of California.

"(iv) The Pacific Islands region, consisting of Hawaii, American Samoa, and Guam.

"(v) The Great Lakes region, consisting of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota.

"(vi) The Gulf Coast region, consisting of Texas, Louisiana, Mississippi, and Alabama.

"(vii) The South Atlantic and Caribbean region, consisting of South Carolina, Georgia, Florida, Puerto Rico, and the U.S. Virgin Islands.

"(viii) The Mid-Atlantic region, consisting of Delaware, Maryland, Virginia, and North Carolina.

"(ix) The North Atlantic region, consisting of New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine."

(d) ADVISORY COUNCIL.—Section 201(d)(1) of such Act (16 U.S.C. 1463b(d)(1)) is amended by inserting "and leaders in coastal communities and businesses" after "community".

(e) CONFORMING AMENDMENT.—Section 201(e) of such Act (16 U.S.C. 1463b(e)) is amended by striking "Oregon Board of Higher Education" and inserting "Oregon State System of Higher Education".

(f) REPORTS.—Section 201(g) of such Act (16 U.S.C. 1463b(g)) is amended to read as follows:

"(g) The Institute shall report to the Congress on its activities annually, and shall report to the Secretary of Commerce in a like manner biennially."

#### SEC. 417. SENSE OF CONGRESS REGARDING PROMOTION OF MINORITIES AND WOMEN IN COASTAL AND OCEAN PROGRAMS.

It is the sense of the Congress that the National Oceanic and Atmospheric Administration should develop and promote programs that reach out to and recruit minorities and women for education in the sciences and take actions to increase the direct involvement of underrepresented minorities in coastal and ocean resource stewardship programs carried out directly by the National Oceanic and Atmospheric Administration and in partnership with State and local governments, universities, and other entities. To this end, the National Oceanic and Atmospheric Administration should create minority internship programs to develop a pool of professionals in coastal and ocean science and management, and to make these programs an eligible use of grant and program funds distributed by the National Oceanic and Atmospheric Administration to States, universities, and other entities.

#### SEC. 418. CHESAPEAKE BAY.

(a) REPEAL.—If by December 1, 1994, the Secretary of Commerce fails to obligate all funds appropriated to the Secretary of Commerce by Public Law 103-121 for oyster disease research, section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d), requiring the establishment of a National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office, is repealed.

(b) ASSIGNMENT OF FUNCTIONS.—If section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d) is repealed by subsection (a), the Secretary of Commerce shall immediately—

(1) enter into a cooperative agreement with the directors of the Maryland and Virginia Sea Grant colleges to administer all funds appropriated to the Secretary of Commerce under any law for oyster disease research and Chesapeake Bay studies; and

(2) transfer the functions of the former National Oceanic and Atmospheric Administration Chesapeake Bay Estuarine Resources Office to the Director of the Coastal Ocean Program.

The Director may delegate any of the functions transferred under paragraph (2) to the directors of the Maryland and Virginia Sea Grant colleges under the cooperative agreement required under paragraph (1).

(c) REPEAL AND AUTHORIZATION OF APPROPRIATIONS.—

(1) **REPEAL.**—Section 2(e) of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98-210, 97 Stat. 1409) is repealed.

(2) **AUTHORIZATION.**—There is authorized to be appropriated to the Secretary of Commerce to implement section 307 of the National Oceanic and Atmospheric Administration Act of 1992 (15 U.S.C. 1511d) and this section, \$2,500,000 for each of fiscal years 1995 and 1996, to remain available until expended.

**SEC. 419. WEATHER REPORTING STATIONS FOR PRINCE WILLIAM SOUND.**

(a) **INSTALLATION.**—To provide more comprehensive weather information to ensure the safety of fishermen and tank vessels and to protect the resources of Prince William Sound from potential oil spills, the Secretary of Commerce may expend \$340,000 to acquire, construct, and install weather reporting stations in Prince William Sound, Alaska, as follows:

(1) In the vicinity of Seal Rocks, to acquire and install a weather buoy capable of measuring and reporting wind speed and direction, barometric pressure, wave height and period, and air temperature.

(2) On the existing tower at Bligh Reef, to acquire and install a weather instrument capable of measuring and reporting wind speed and direction.

(3) At Potato Point, to relocate the existing anemometer to a more exposed location in order to provide more accurate information.

(4) At the Hinchinbrook Lighthouse site, to acquire and install an anemometer.

(b) **MAINTENANCE.**—The Secretary of Commerce may expend \$160,000 in each of fiscal years 1995 and 1996 to maintain the equipment identified in subsection (a).

**SEC. 420. LIMITATION ON APPROPRIATIONS.**

Notwithstanding any other provision of this Act, no funds are authorized to be appropriated for carrying out the programs for which funds are authorized by this Act for any fiscal year after fiscal year 1996.

**SEC. 421. PURCHASE OF REMOTELY SENSED SCIENCE DATA.**

(a) **IN GENERAL.**—To the maximum extent possible, the Secretary of Commerce shall purchase from the private sector remotely sensed science data. Examples of such data include scientific data concerning the impact of oceans worldwide on global climate change and concerning the condition of the oceans.

(b) **COMPETITIVE BIDDING.**—(1) Contracts for the purchase of remotely sensed data under this section shall be awarded in a process of full, fair, and open competitive bidding.

(2) Submission of cost data, either for the purposes of supporting the bid or fulfillment of the contract, shall not be required of bidders.

(3) Conformance with military specifications (Milspec) or Department of Commerce specifications systems with respect to the design, construction, or operation of equipment used in obtaining remotely sensed data under contracts entered into under this section shall not be a requirement for a commercial provider bidding to provide such services.

(4) Contracts under this section shall not provide for the Federal Government to obtain ownership of data not specifically sought by the Federal Government.

**SEC. 422. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) **NOTICE REQUIREMENT.**—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

## **TITLE V—GREAT LAKES IMPROVEMENTS**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “National Oceanic and Atmospheric Administration Great Lakes Improvements Act”.

**SEC. 502. GREAT LAKES OFFICE.**

(a) **ESTABLISHMENT.**—The Under Secretary may establish and maintain within the Administration a Great Lakes Office in the Washington, District of Columbia area.

(b) **PURPOSE.**—The purpose of the Great Lakes Office shall be to promote and coordinate Administration research, monitoring, and assessment work in the Great Lakes region consistent with the goals of the Great Lakes Water Quality Agreement.

(c) **DIRECTOR.**—The Director of the Great Lakes Office shall be an individual with extensive knowledge and expertise in the Great Lakes ecosystem, and with appropriate administrative experience.

#### **SEC. 503. GREAT LAKES REPORT.**

(a) **CONTENTS.**—Subject to the availability of appropriations under section 505, the Under Secretary, in consultation with the Director of the Great Lakes Office if established, shall prepare and submit to Congress an annual Great Lakes Report in accordance with this section. The Report shall provide information relating to Great Lakes ecosystem research, monitoring, and assessment, including—

(1) the individual activities, projects, or proposals conducted by the Administration in the previous fiscal year, including a summary of funds expended in support of these activities, projects, or proposals;

(2) the amount of funds received from the Administration by each State or local government unit bordering the Great Lakes;

(3) the amount of funds received by individuals or institutions residing or located within a State bordering the Great Lakes;

(4) an inventory of Administration facilities and personnel located in a State bordering the Great Lakes or in the Great Lakes used to conduct or support Administration-funded activities, projects, or proposals in the Great Lakes, including vessels;

(5) the proposed Administration activities, projects, and proposals to benefit the Great Lakes ecosystem for the current fiscal year, including requested funds; and

(6) a proposal for increasing the presence of the Administration in the Great Lakes, and improving the coordination of research within the Administration and with other entities, including the Government of Canada.

(b) **DEADLINE.**—Subject to the availability of appropriations under section 505, the Under Secretary shall submit the Great Lakes Report to the Congress by October 1 of 1995, 1996, 1997, and 1998.

#### **SEC. 504. DEFINITIONS.**

In this title—

(1) the term "Administration" means the National Oceanic and Atmospheric Administration;

(2) the term "Great Lakes" means—

(A) Lake Erie, Lake Huron, Lake Michigan, Lake Ontario, and Lake Superior;

(B) their connecting waters, including the St. Marys River, the St. Clair River, Lake St. Clair, the Detroit River, and the Niagara River; and

(C) the St. Lawrence River;

(3) the term "Great Lakes Water Quality Agreement" means the bilateral agreement between the United States and Canada which was signed in 1978 and amended by the Protocol of 1987; and

(4) the term "Under Secretary" means the Under Secretary of Commerce for Oceans and Atmosphere.

#### **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Under Secretary to carry out this title \$100,000 for each of fiscal years 1995, 1996, 1997, and 1998.

### **I. PURPOSE OF THE BILL**

The purpose of the bill is to authorize appropriations for fiscal years 1995 and 1996 for the ocean, coastal and environmental research programs of the National Oceanic and Atmospheric Administration, and for other purposes.

### **II. COMMITTEE ACTIONS**

On July 19, 1994, the Subcommittee on Space held a hearing on H.R. 4008, the National Ocean and Atmospheric Administration (NOAA) Authorization Act of 1994. Dr. D. James Baker, Under Sec-



retary for Oceans and Atmosphere, National Ocean and Atmospheric Administration. U.S. Department of Commerce, testified before the Subcommittee. Accompanying Dr. Baker was Mr. Thomas N. Pyke, Jr., Director, the GLOBE Program.

The hearing examined the program included in H.R. 4008 under the jurisdiction of the Committee on Science, and Technology. At the request of the Subcommittee, Dr. Baker's testimony included a special emphasis on the Global Learning and Observations to Benefit the Environment (GLOBE) initiative and the National Undersea Research Program (NURP).

#### GLOBAL CLIMATE CHANGE

Dr. Baker testified that NOAA was established twenty-four years ago as a science-based agency with the responsibility of predicting changes in the oceanic and atmospheric environments and living marine resources and providing related data, information and services to the public, industry, the research community and other government agencies.

Dr. Baker testified that the Earth is naturally a place of change, often with severe impacts on society. The Sahelian drought and the Midwestern Dust Bowl are examples of decadal change, while the Little Ice Age of the 17th century exemplifies the high-impact climatic fluctuations have on the centennial time scale. Such natural climatic swings will undoubtedly be a part of our future. Dr. Baker testified that human activities can now induce additional changes with equally large impacts. Human-induced changes observed on decadal time scales are already evident. Atmospheric pollution, the thinning ozone layer and greenhouse gasses are a few of the man-made problems which could greatly affect the future of our global climate. NOAA is committed to providing science-based advice to policy makers by detecting and assessing decadal to centennial changes in the global environment—with special emphasis on climate change and greenhouse warming, ozone layer depletion and air quality improvement.

#### THE NATIONAL UNDERSEA RESEARCH PROGRAM (NURP)

Dr. Baker told the Subcommittee that the National Undersea Research Program (NURP) falls within the area of programs within NOAA that are involved in studying decadal and centennial changes. NURP is an academically-based research program administered by NOAA's Office of Oceanic and Atmospheric Research. NURP supports research that directly places scientists under water, either onsite through the use of submersibles, underwater laboratories, and diving, or remotely by using robotic vehicles and observatories to collect otherwise unobtainable samples and observations.

The National office provides access to the United States research community of civilian, military, and international assets. NURP is the federal program with the responsibility to improve the safety and performance of divers, and it plays an important role in the development of technologies required for undersea research; these functions are carried out by the National Office. NURP supports regional and national undersea research needs through a partnership with six National Undersea Research Centers (NURCs). Using

guidance from the National Office on research priorities, proposals are solicited by the NURCs and, under National Office management, a rigorous peer review is used to fund the most meritorious research proposals.

Dr. Baker testified that no funding for NURP was included in the President's FY 1995 budget request. However, the House and the Senate Appropriations Committees have included funding for NURP in their markups of the President's FY 1995 budget. As a result, NOAA would not oppose including NURP in the NOAA authorization bill that was marked-up by the House Merchant Marine and Fisheries Committee on May 11, 1994. However, any authorization proposal for NURP must provide for an integrated program capable of responding to national research priorities as efficiently and effectively as possible.

#### GLOBAL LEARNING AND OBSERVATIONS TO BENEFIT THE ENVIRONMENT (GLOBE)

Dr. Baker indicated that NOAA is pleased to be the host federal agency for the new Global Learning and Observations to Benefit the Environment (GLOBE) initiative. GLOBE will bring school children, educators, and scientists together to monitor the environment. It is an international science and education partnership that was first envisioned by Vice President Al Gore in his book "Earth in the Balance." GLOBE will be a network of students throughout the world making environmental observations, sharing the resulting global environmental images based on their collective observation and providing data useful to environmental scientists. GLOBE's objectives are to enhance the collective awareness of individuals throughout the world concerning the environment and the impacts of human activities on it, and to increase scientific understanding of the Earth by collecting data that support the international community of environmental scientists.

Dr. Baker testified that an important feature of GLOBE is that students will be participating in real science as they make observations. This will make a valuable contribution to global environmental research and make their educational experience more meaningful. Dr. Baker said the NOAA is confident that the use of carefully selected measurements and measurement procedures, carefully prepared teacher training and educational support materials, and a comprehensive data quality control system will assure the success of the science objective of GLOBE.

With the United States, GLOBE will contribute substantially to raising standards for math and science education and increasing hands-on science in our Nation's schools. GLOBE contributes to achieving the GOALS 2000 agenda, which enjoys broad support. This program is important to NOAA as part of its global environmental observations responsibilities. As the host agency for the program, NOAA provides overall program direction and support, under the leadership of the Vice President and the heads of all the participating agencies, including the Office for Environmental Policy and the Office of Science and Technology Policy at the White House. NOAA supports an interagency team that also involves NASA, EPA, NSF, and the Departments of Education and State.

In FY 1995, GLOBE activities carried out by NOAA and the other participating agencies will include working sessions with educators and scientists to assure that the education and science activities of GLOBE will meet the program's objectives, producing prototype information processing systems for school use and for central processing of student acquired data and creation of global environmental images, as well as associated telecommunications systems support. In addition, prototype educational materials for use by students will be produced, and initial operation of GLOBE in hundreds of schools as of next Spring, in time for Earth Day 1995, will be supported.

For FY 1995, NOAA is planning GLOBE expenditures of \$7 million; NASA, \$5 million, NSF, \$2 million; and EPA, \$1 million. NOAA expects that contributions of funding and in-kind support to GLOBE from other nations and from the private sector will begin in FY 1995, and that U.S. Government funding will pay for only a small part of the long-term cost of the GLOBE program. Although no decisions have been made yet on GLOBE funding for FY 1996, planned NOAA funding for GLOBE could increase to \$12 million in FY 1996.

Long-term GLOBE funding will be based on a "go as you pay" approach. Program growth will be dependent on available funding, and we will rely on other countries to pay the cost of their participation. The Administration plans to assure a high ratio of total foreign government funding compared to U.S. Government funding. GLOBE is important to the United States to help assure that individuals throughout the world understand that concern for the environment is essential for a healthy and prosperous future for themselves, their countries, and the world.

While the Subcommittee was generally supportive of the goals of the GLOBE Program, the Subcommittee felt that NOAA should take further steps as necessary, to clarify the Program's goals and objectives.

Several Subcommittee Members raised concerns regarding the total costs of the GLOBE Program including, contributions expected from the participating agencies, the private sector and Foreign Government(s); the plan for expending the resources and the overhead costs to be expended by the GLOBE Program Office to help benefit the Foreign Governments participating in the Program; the value and use of the scientific data collected; and the need to conduct a pilot experiment before the program is fully implemented. Most important, plans for implementing and evaluating the success of the program should be more specific.

Following the Hearing, the Subcommittee on Space, considered and ordered H.R. 4008 reported to the full Committee for further consideration, after adopting an amendment offered by Congressman Sensenbrenner. The amendment would require NOAA to obtain matching or greater non-federal funding for the GLOBE Program beginning in Fiscal Year 1996 before obligating any of the appropriated amounts.

On July 20, 1994, the Committee on Science, Space, and Technology approved H.R. 4008, as amended, and ordered that the bill be reported to the House of Representatives.

### III. BACKGROUND AND NEED FOR THE LEGISLATION

The National Oceanic and Atmospheric Administration (NOAA), created in 1970 by Executive Order of the President, has obtained some of its funding for its programs over the last twenty-four years through direct appropriation without annual legislative authorization. In the 98th Congress, legislation authorizing NOAA activities for fiscal year 1984, S. 1097, was vetoed by the President on October 19, 1984. In the 99th Congress, the Consolidated Omnibus Budget Reconciliation Act of 1986 (P.L. 99-272) authorized various NOAA activities, including nautical and aeronautical chart programs, marine research and monitoring, ocean pollution research, and weather modification research.

During the 100th Congress, provisions authorizing fiscal year 1989 appropriations for NOAA's satellite, atmospheric, and weather programs (previously approved by the House of Representatives and the Senate as S. 1667) were included in Title IV of S. 2209, the National Aeronautics and Space Administration Authorization Act for Fiscal Year 1989, which was signed into law on November 17, 1988 (P.L. 100-685).

During the 102nd Congress, the first comprehensive NOAA Authorization bill was approved and signed into law, the National Oceanic and Atmospheric Administration Authorization Act of 1992 (P.L. 102-567). P.L. 102-567 authorized funding levels for Fiscal Years 1992 and 1993, with the exception of NEXRAD and GOES which were authorized to completion. Numerous policy issues were finally resolved throughout the nine titles in the bill, including Title VII, the Weather Service Modernization Act of 1992.

The need to proceed with a multi-year NOAA authorization bill continues to be important in view of NOAA's plans to acquire major new systems to modernize and improve its weather and satellite services, and to study important phenomena such as global climate change.

### IV. SECTION-BY-SECTION ANALYSIS

#### Section 1. Short title.

#### TITLE I—NOAA OCEAN AND COASTAL PROGRAMS

Title I authorizes appropriations to the Secretary of Commerce for FY 1995 and 1996 for use by the National Oceanic and Atmospheric Administration (NOAA) for the following programs and activities: (1) mapping and charting; (2) geodesy; (3) marine observation and prediction; (4) estuarine and coastal assessment; and (5) coastal ocean research, including research activities at the Great Lakes, the Southeast Florida and Caribbean Areas; (6) Undersea research; and (7) Climate and Global Change research.

Section 102(b) authorizes appropriations for the National Undersea Research Program (NURP) for fiscal years 1995 and 1996.

Section 102(c)(1) authorizes appropriations for Climate and Global Change research for fiscal years 1995 and 1996.

Section 102(c)(2) authorizes appropriations for environmental observations (GLOBE) for fiscal years 1995 and 1996, provided that, beginning in fiscal year 1996, amounts appropriated to the pro-

gram may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for the program.

Section 103(c)(3) amends the Land Remote Sensing Policy Act of 1992 to clarify Congressional intent with regard to the responsibilities of Landsat Program Management under subsection (a) of the Act (P.L. 102-555).

#### TITLE II—NOAA MARINE FISHERY PROGRAMS

Title II amends the Marine Fisheries Program Authorization Act (P.L. 98-210) to authorize appropriations for FY 1995 and FY 1996 for use by the National Oceanic and Atmospheric Administration for marine fisheries programs, development of habitat restoration technologies, restoration of the Chesapeake Bay, and conservation of Antarctic marine resources.

#### TITLE III—ADMINISTRATION AND OTHER ACCOUNTS

Title III authorizes appropriations to the Secretary for FY 1995 and 1996 for NOAA program support, systems acquisition office, central administrative support, retired pay, and marine service activities.

#### TITLE IV—MISCELLANEOUS NOAA PROGRAMS

Section 401(a) requires one-sixth fees collected by the NOAA each fiscal year from the sale of nautical products (and from licensing of such products) to be deposited in a specified account and used only for the acquisition, installation, and maintenance of certain systems and equipment, as well as other activities directly related to the modernization and improvement of maritime safety. Section 401(b) provides that such fees shall not be considered to be offsetting receipts and shall not be used for administrative costs of NOAA or the Department of Commerce.

Section 401(c) directs the Secretary to deploy in Galveston Bay and the Houston Ship Channel a Physical Ocean Real-Time System (PORTS system).

Section 402 expresses the sense of the Congress that the NOAA should expand its efforts to further the use of defense-related technologies, data, and other resources to support its oceanic missions, and directs the Secretary to submit a report to Congress on the feasibility of expanding the use of DOD dual use technologies.

Section 403 directs the Secretary to report to specified congressional committees on the status of NOAA marine navigation safety programs.

Section 404 directs the Secretary to take into account specified factors in selecting a replacement site for the National Marine Fisheries Service Lab at Tiburon, California.

Section 405 directs the Secretary to report to specified congressional committees concerning facility needs for the National Marine Sanctuary Program.

Section 406 directs the Secretary to establish a PORTS system for San Francisco Bay after conducting a hydrodynamics study of the Bay. Section 406 authorizes appropriations for this purpose.

Section 407 directs the Secretary to convey to Massachusetts the National Marine Fisheries Service Laboratory at Gloucester, Mas-

sachusetts under certain terms and conditions, including continued use of such property by such Service.

Section 408 provides reimbursement from the United States to NOAA, after settlement of a collision damage claim involving the NOAA research vessel DISCOVERER, for use in vessel repair.

Section 409 authorizes the Secretary to enter into specified contracts for FY 1995 to implement the NOAA fleet modernization plan and provides certain limitations on expenditures for repairs and maintenance under the NOAA Fleet Modernization Act.

Section 410 directs the Secretary to contract with the National Research Council for a study of the appropriate role of the NOAA Corps and authorizes appropriations for such purpose.

Section 411 establishes the National Undersea Research Program (NURP) within NOAA; establishes a NURP Center for the Gulf of Mexico region; establishes competitive procedures for the establishment of new NURP Centers; provides for an evaluation of the quality of research conducted at all NURP Centers and competitive procedures for establishment of these centers at different institutions should the NOAA Administrator decide that is appropriate; and provides for peer review of all NURP research proposals.

Section 412 requires the Secretary of Commerce to submit a report to Congress on the status and future plans for research on the effects of global climate change on the nation's major freshwater systems.

Section 413 directs the Secretary of Commerce to promote and coordinate the use of National Estuarine Research Reserves for research, monitoring, and education purposes.

Section 414 requires the Secretary of Commerce to conduct a study on the effects of feeding wild dolphins in the Gulf of Mexico and the southern Atlantic Ocean.

Section 415 expands the Flower Garden Banks National Marine Sanctuary to include a smaller nearby bank, known as Stetson Bank.

Section 416 amends the existing authorization for the National Coastal Resources Research and Development Institute (NCRI) to clarify its mission, expand the membership of its Board of Governors and Advisory Council, and amend its reporting requirements.

Section 417 expresses the sense of Congress that NOAA should recruit minorities and women into the science and resource management fields.

Section 418 transfers the functions of the Chesapeake Bay Office to NOAA's Coastal Ocean Program and to Sea Grant. The Sea Grant portion of the program would be managed under a joint agreement between the Maryland and Virginia Sea Grant programs.

Section 419 authorizes the Secretary of Commerce to acquire, install, and maintain various weather monitoring and reporting equipment in Prince William Sound, Alaska, including a weather buoy in the vicinity of Seal Rocks.

Section 420 limits appropriations for carrying out the programs of this Act to the years preceding fiscal year 1996.

Section 421 directs the Secretary of Commerce, to the maximum extent possible, to acquire remotely sensed science data commercially.

Section 422 expresses the sense of Congress, and a notification requirement that, to the greatest extent possible, all equipment and products purchased with funds authorized in the Act should be America-made.

#### TITLE V—GREAT LAKES IMPROVEMENT

Section 502 authorizes the Under Secretary of Commerce for Oceans and Atmosphere (the NOAA Administrator) to establish a Great Lakes Office in the Washington, D.C. area.

Section 503 requires the Under Secretary, subject to the availability of appropriations, to prepare and submit annual reports to Congress on the Great Lakes ecosystem research, monitoring, and assessment.

Section 504—Definitions.

### V. COMMITTEE VIEWS

TABLE 1.—SUMMARY OF AUTHORIZATIONS IN H.R. 4008

[In thousands of dollars]

Activity	Authorization of appropriations (fiscal years)	
	1995	1996
<b>National Ocean Service</b>		
Mapping and charting:		
Base .....	29,005	30,049
Automated nautical charting .....	1,300	1,347
Geodesy .....	19,332	20,028
Observation and prediction:		
Base .....	12,429	12,876
San Francisco PORTS .....	4,200	( <sup>1</sup> )
Circulatory Survey Program .....	700	725
Ocean and earth sciences .....	4,442	4,602
Center for Ocean Analysis and Prediction .....	400	414
Chesapeake observation buoys .....	400	414
Estuarine and coastal assessment:		
Base .....	2,420	2,507
Ocean assessment .....	18,945	19,627
Damage Assessment Program .....	1,500	1,554
Coastal Ocean Program .....	11,433	11,845
Ocean Management .....	500	500
Subtotal National Ocean Service .....	107,006	106,488
<b>Ocean and Great Lakes Research</b>		
Marine prediction research:		
Base .....	10,000	10,360
Great Lakes Environmental Research Laboratory .....	4,558	4,722
Great Lakes nearshore research .....	500	500
Zebra mussel research .....	911	1,125
Southeast Florida and Caribbean Recruitment Program .....	2,000	( <sup>1</sup> )
National Undersea Research Program .....	22,100	24,200
Climate and global change research:		
Base .....	66,000	84,012
GLOBE .....	7,000	7,000
Subtotal Ocean and Great Lakes Research .....	113,069	131,919

TABLE 1.—SUMMARY OF AUTHORIZATIONS IN H.R. 4008—Continued  
(In thousands of dollars)

Activity	Authorization of appropriations (fiscal years)	
	1995	1996
<b>National Marine Fisheries Service</b>		
Information collection and analyses .....	51,092	52,931
Conservation and management operations .....	14,198	14,709
State and industry assistance programs .....	17,089	17,704
Scallop restoration .....	200	200
Subtotal National Marine Fisheries Service .....	82,579	85,544
<b>Program Support</b>		
Executive direction and administrative activities .....	25,000	25,900
Systems Acquisition Office .....	1,100	1,140
Central administrative support .....	38,000	39,368
NOAA Corps retired pay .....	7,706	7,983
Marine services .....	63,508	65,794
Subtotal Program Support .....	135,314	140,185
<b>Miscellaneous Authorizations</b>		
Study of NOAA Corps .....	100	( <sup>1</sup> )
Chesapeake Bay (oyster disease research) .....	2,500	2,500
Prince William Sound weather reporting stations <sup>2</sup> .....	500	160
National Great Lakes office .....	100	100
Subtotal miscellaneous .....	3,200	2,760
Bill total .....	441,168	466,896

<sup>1</sup> Two year lump-sum authorization, total may be appropriated in either year, or spread over two years.

<sup>2</sup> \$340,000 of the amount shown for FY 1995 is not restricted to a fiscal year (see section 419).

#### SECTION 102(C)(1)—CLIMATE AND GLOBAL CHANGE RESEARCH

The Committee adopted by voice vote, an amendment to reduce Climate and Global Change Research to the appropriated level passed by the House of Representatives.

#### SECTION 102(C)(2)—ENVIRONMENTAL OBSERVATIONS (GLOBE)

While the Committee supports the legislation that authorizes funding to plan and develop the GLOBE Program provided that NOAA obtain matching funds beginning in Fiscal Year 1996, the Committee is concerned that the Administration has not yet had time to adequately plan the GLOBE Program.

The Committee directs that a report be prepared and submitted to the appropriate committees of Congress which includes:

(1) The Scientific Goals and Objectives of the Program. The System Concept, Program Outreach and Worldwide Information System must be clearly defined and the relationship of the GLOBE Program with regard to other similar projects or to existing ongoing projects such as: Project ATMOSPHERE, Project 2061, U.S. Science Education Reform and the Cooperative Operational Meteorology Educational and Training (COMET) Program should be described. The total costs of the GLOBE Program including contributions expected from the participating agencies, the private sector and foreign governments should be clearly defined and the plan for expending the resources including the overhead costs to be expended by the



GLOBE Program Office that will benefit the foreign governments. The value and planned use of the scientific observation data collected should be addressed.

(2) The Criteria used for the Selection of Schools to Participate in the Program. The specific criteria to be used to determine the school site/location should be defined. The criteria should take in account of the demographics/characteristics of the school districts in this country.

(3) The Measures and Milestones Used to Determine the Success of the Program. The specific criteria should be developed to evaluate the Program and the mechanisms for accomplishing the evaluation should be defined. Plans for conducting a pilot experiment should be addressed and the basis for such an experiment.

The Committee has required that, beginning in fiscal year 1996, the obligation of funds for the Global Observations to Benefit the Environment program be limited to the extent that an equal or greater amount of non-Federal funding is provided. This provision is consistent with the following testimony received by the Subcommittee on Space from the Under Secretary of Commerce for Oceans and Atmosphere on July 19, 1994:

We expect that contributions of funding and in-kind support to GLOBE from other nations and the private sector will begin in 1995.

The Committee believes the non-Federal financial contributions envisioned in testimony by the Administration, and required by the Committee beginning in fiscal year 1996, are supportive of the GLOBE Program's broader goals of fostering ownership and stewardship of the environment worldwide.

#### SECTION 102(C)(3)—IMPLEMENTATION OF LANDSAT AGREEMENT

This amendment is an effort to remove any confusion that may exist in the Executive Branch with respect to the Committee's intent when it passed section 103 of the Land Remote Sensing Policy Act of 1992. Since the passage of the Act, the Landsat Program Management (LPM) and the commercial operator of the Landsat system entered into the negotiations envisioned by this section and reached a final agreement with respect to all issues mandated by the legislation. It was our intention that upon successful completion at the negotiation, the current contract would be extended. However, it appears that the Department of Commerce, which supplanted the Department of Defense in the LPM, believed that as Congress was not specific on what should occur when conclusive agreement was reached, it must then re-compete the contract extension for the operation of our two aging satellites. This is contrary to our clear intention and would further create uncertainty in a program that has been marked by a lack of decisiveness and clear direction of almost a decade. We intended the successful negotiation, with significant benefits to the Government, to result in an extension of the existing contract and not the opening round at yet another series of negotiation, with its attendant costs and disruption. This amendment is specifically intended to provide clear, un-

equivocal guidance to the Administration concerning the extension of this contract.

#### SECTION 420—PURCHASE OF REMOTELY SENSED SCIENCE DATA

The purpose of this section is to encourage the Secretary of Commerce to acquire remotely sensed science data commercially. For those data sets with both scientific merit and commercial appeal, the Commerce Department can act as an anchor tenant while acquiring the data faster and cheaper.

#### CONSOLIDATION OF NOAA FACILITIES IN NEWPORT NEWS OR NORFOLK, VIRGINIA

The Committee is concerned that the Administration has not yet implemented Section 48 of P.L. 102-241 (The Coast Guard Authorization Act of 1991) which directs the Secretary of Commerce to acquire space in Newport News or Norfolk, Virginia for use in consolidating and meeting the long-term space needs of NOAA in a cost-effective manner. The Committee believes that this consolidation, recommended by a NOAA study in 1990, and formally proposed by NOAA in December, 1992, should be implemented expeditiously.

#### VI. OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to rule XI, clause 2(l)(3), of the Rules of the House of Representatives, and under the authority of rule X, clause 2(b)(1), and clause 3(f), the results and findings of oversight activities considered by the Committee on Science, Space, and Technology have been adopted and are incorporated in the recommendations found in the present bill and report.

#### VII. CONGRESSIONAL BUDGET ACT INFORMATION

This bill provides new authorization rather than new budget authority and consequently the provision for section 308(a) of the Congressional Budget Act of 1974 are not applicable.

#### VIII. CONGRESSIONAL BUDGET OFFICE COST ESTIMATES

Pursuant to section 403 of the Congressional Budget Act of 1974 and rule XI, 2(l)(3) of the Rules of the House of Representatives, the report of the Congressional Budget Office follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, July 29, 1994.

Hon. GEORGE E. BROWN,  
*Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4008, the National Oceanic and Atmospheric Administration Authorization Act of 1994.

Enactment of H.R. 4008 would affect direct spending. Therefore, pay-as-you-go procedures would apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER, *Director*.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 4008.
2. Bill title: National Oceanic and Atmospheric Administration Authorization Act of 1994.
3. Bill status: As ordered reported by the House Committee on Merchant Marine and Fisheries on July 20, 1994.
4. Bill purpose: H.R. 4008 would authorize appropriations for the National Oceanic and Atmospheric Administration (NOAA) for fiscal years 1995 and 1996.
5. Estimated cost to the Federal Government:

(By fiscal year, in millions of dollars)

	1995	1996	1997	1998	1999
Authorizations of appropriations:					
Estimated authorizations .....	438	470	0	0	0
Estimated outlays .....	263	400	158	59	28
Direct spending:					
Estimated budget authority .....	1	1	1	1	1
Estimated outlays .....	1	1	1	1	1

The costs of this bill fall within budget function 300.

**Basis of Estimate:** CBO assumes that the full amounts authorized would be appropriated for each fiscal year. The outlay estimates are based on historical spending patterns of similar programs.

H.R. 4008 would authorize appropriations of \$214.9 million in 1995 and \$239.4 million in 1996 for NOAA ocean and coastal programs, \$82.6 million in 1995 and \$85.5 million in 1996 for NOAA marine fishery programs, \$135.3 million in 1995 and \$140.2 million in 1996 for NOAA administrative activities, retirement pay, and marine service activities, and \$4.7 million 1995 and \$4.6 million in 1996 for the installation of a navigation system in San Francisco Bay, and for various studies and research. The bill also would permit NOAA to spend \$340,000 to establish weather reporting stations in Prince William Sound; annual maintenance costs would be about \$160,000. The costs for the weather stations would be in addition to the other amounts authorized. Title V would authorize \$100,000 in each of years 1995 and 1996 for a Great Lakes Office.

Fees collected from the sale of nautical products currently are deposited in the Treasury as offsetting receipts. Title IV would make one-sixth of these fees available for spending by NOAA, without appropriation action, on activities related to the modernization and improvement of maritime safety. This change would increase direct spending, and thus the bill would be subject to pay-as-you-go-scoring. CBO estimates that the increase in direct spending would be about \$1 million each year from 1995 through 1999.

Title IV also would permit NOAA to retain up to \$519,000 from a possible judgment against the vessel that collided with the NOAA vessel *Discoverer*, and to spend the retained funds for the repair of the *Discoverer*. Funds collected from judgments are usually categorized as revenues on the federal budget. This provision would

have the effect of converting revenues into offsetting collections and making them available for spending. Under Congressional scorekeeping rules, reclassifications of spending or revenues are not scored, so the only effect of this provision would be an increase in direct spending. Based on information from NOAA, we expect that repairs to the *Discoverer* will cost less than \$500,000. We therefore estimate that this provision would increase direct spending by less than \$500,000 in fiscal year 1995.

6. Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. Title IV of H.R. 4008 would increase direct spending by \$1 million a year by making available for spending by NOAA, without appropriation action, about \$1 million in fees from the sale of nautical products. Title IV also would increase direct spending by less than \$500,000 by permitting NOAA to spend funds received from a judgment to repair the vessel *Discoverer*. The following table shows the estimated pay-as-you-go impact of this bill.

(By fiscal year, in millions of dollars)

	1994	1995	1996	1997	1998
Change in receipts .....	(1)	(1)	(1)	(1)	(1)
Change in outlays .....	0	1	1	1	1

<sup>1</sup> Not applicable.

7. Estimated cost to State and local governments: Title IV would require NOAA to establish a safe navigation system in San Francisco Bay only if the state of California would fund the operation and maintenance of the system. We estimate that operating and maintaining the navigation system would cost the state of California about \$500,000 annually after 1995.

Title IV also would transfer to Massachusetts the national marine fisheries service laboratory in Gloucester, Massachusetts, on condition that the government of Massachusetts pay for the maintenance of the property. CBO estimates that maintaining the laboratory would cost the government of Massachusetts approximately \$130,000 per year.

8. Estimate comparison: None.

9. Previous CBO estimate: On June 22, 1994, CBO prepared an estimate of the budgetary impact of H.R. 4008 as ordered reported by the Committee on Merchant Marine and Fisheries. The slight difference in the estimated cost is the result of lower authorizations of appropriations in Title I.

10. Estimate Prepared by: John Webb and Rachel Robertson and Melissa Sampson.

11. Estimate approved by: G.G. Nuckols, Assistant Director for Budget Analysis.

## IX. OVERSIGHT FINDINGS AND RECOMMENDATIONS, COMMITTEE ON GOVERNMENT OPERATIONS

No findings or recommendations on oversight activity pursuant to rule X, clause 2(b)(2), and rule XI, clause 2(1)(3)(D), of the Rules

of the House of Representatives have been submitted by the Committee on Government Operations for inclusion in this report.

## X. EFFECT OF LEGISLATION ON INFLATION

In accordance with rule XI, clause 2(1)(4) of the Rules of the House of Representatives, this legislation is assessed to have no inflationary effect on prices and costs in the operation of the national economy.

## XI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## SECTION 103 OF THE LAND REMOTE SENSING POLICY ACT OF 1992

### SEC. 103. DATA POLICY FOR LANDSAT 4 THROUGH 6.

(a) \* \* \*

\* \* \* \* \*

(c) *IMPLEMENTATION OF AGREEMENT.*—*If negotiations under subsection (a) result in an agreement that the Landsat Program Management determines generally achieves the goals stated in subsection (a) (1) through (8), the Landsat Program Management shall award an extension, until the practical demise of Landsat 4 or Landsat 5, whichever occurs later, of the existing contract with the Landsat 6 contractor incorporating the terms of such agreement.*

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE FISHERIES PROGRAM AUTHORIZATION ACT

### FISHERIES INFORMATION COLLECTION AND ANALYSIS

SEC. 2. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries Information Collection and Analysis duties under law, \$47,933,000 for fiscal year [1992 and] 1992, \$59,162,000 for fiscal year 1993, \$51,092,000 for fiscal year 1995, and \$52,931,000 for fiscal year 1996. These moneys shall be used to fund those duties relating to fisheries information collection and analysis specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, collection analysis and dissemination of scientific

data necessary to manage: marine fishery resources, marine mammals, endangered species, and their habitats.

\* \* \* \* \*

[(e) Of the sums authorized under subsection (a) of this section, no more than \$2,500,000 are authorized to be appropriated for each of the fiscal years 1992 and 1993 to enable the National Oceanic and Atmospheric Administration to establish the Chesapeake Bay Estuarine Resources Office under section 306 of the National Oceanic and Atmospheric Administration Authorization Act of 1991. No more than 20 percent of the amount appropriated under the authorization in this subsection shall be used for administrative purposes.]

#### FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS

SEC. 3. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries conservation and management operations duties under law, \$27,290,000 for fiscal year [1992 and] 1992, \$35,594,000 for fiscal year 1993, \$14,198,000 for fiscal year 1995, and \$14,709,000 for fiscal year 1996. These moneys shall be used to fund those duties relating to fisheries conservation and management operations specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), and the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources; including hatchery operation, fishery management plan activities, habitat conservation, and protected species management.

\* \* \* \* \*

#### FISHERIES STATE AND INDUSTRY ASSISTANCE PROGRAMS

SEC. 4. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries State and industry assistance program duties under law, \$12,182,000 for fiscal year [1992 and] 1992, \$18,838,000 for fiscal year 1993, \$17,089,000 for fiscal year 1995, and \$17,704,000 for fiscal year 1996. These moneys shall be used to fund those duties specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law affecting State and industry fisheries assistance. These duties include, but are not limited to, financial assistance for fishing vessels and fish processing plants, market development for fishery products, product quality and grants to States for improving management of interstate fisheries and stimulating fishery development.

\* \* \* \* \*

---

## SECTION 1104A OF THE MERCHANT MARINE ACT, 1936

SEC. 1104A. (a) \* \* \*

(b) Obligations guaranteed under this title—

(1) \* \* \*

(2) subject to the provisions of subsection (c)(1) and subsection (i), shall be in an aggregate principal amount which does not exceed 75 per centum of the actual cost or depreciated actual cost, as determined by the Secretary, of the vessel which is used as security for the guarantee of the Secretary: *Provided, however*, That in the case of a vessel, the size and speed of which are approved by the Secretary, and which is or would have been eligible for mortgage aid for construction under section 509 of this Act (or would have been eligible for mortgage aid under section 509 of this Act except that the vessel was built with the aid of construction-differential subsidy and said subsidy has been repaid) and in respect of which the minimum downpayment by the mortgagor required by that section would be or would have been 12½ per centum of the cost of such vessel, such obligations may be in an amount which does not exceed 87½ per centum of such actual cost or depreciated actual cost: *Provided, further*, That the obligations which relate to a barge which is constructed without the aid of construction-differential subsidy, or, if so subsidized, on which said subsidy has been repaid, may be in an aggregate principal amount which does not exceed 87½ per centum of the actual cost or depreciated actual cost thereof: *Provided, further*, That in the case of a fishing vessel or fishery facility, the obligation shall be in an aggregate principal amount equal to 80 percent of the actual cost or depreciated actual cost of the fishing vessel or fishery facility[, except that no debt may be placed under this proviso through the Federal Financing Bank]: *Provided, further*, That in the case of an ocean thermal energy conversion facility or plantship which is constructed without the aid of construction-differential subsidy, such obligations may be in an aggregate principal amount which does not exceed 87½ percent of the actual cost or depreciated actual cost of the facility or plantship: *Provided, further*, That in the case of an eligible export vessel, such obligations may be in an aggregate principal amount which does not exceed 87½ percent of the actual cost or depreciated actual cost of the eligible export vessel;

\* \* \* \* \*

## SECTION 2 OF THE ACT OF AUGUST 11, 1939

(Commonly Referred to as the Saltonstall-Kennedy Act)

AN ACT To authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry.

SEC. 2. [SEC. 2.] (a) \* \* \*

(b) FUND.—(1) The Secretary of Agriculture shall transfer to the Secretary each fiscal year, beginning with the fiscal year commenc-

ing July 1, 1954, and ending on June 30, 1957, from moneys made available to carry out the provisions of section 32 of such Act of August 24, 1935, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws on fishery products (including fish, shellfish, mollusks, crustacea, aquatic plants and animals, and any products thereof, including processed and manufactured products), which shall be maintained in a separate fund [only for—

[(A) use by the Secretary—]

*only for use by the Secretary—*

[(i)] (A) to provide financial assistance for the purpose of carrying out fisheries research and development projects approved under subsection (c),

[(ii)] (B) to implement the national fisheries research and development program provided for under subsection (d); and

[(iii)] (C) to implement the Northwest Atlantic Ocean Fisheries Reinvestment Program established under section 314 of the Magnuson Fishery Conservation and Management Act.

[(B) the provision of moneys, subject to paragraph (2), to carry out the purposes of the Fisheries Promotion Fund established under section 208(a) of the Fish and Seafood Promotion Act of 1986.]

\* \* \* \* \*

[(C) FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.—(1) The Secretary shall make grants from the fund established under subsection (b) to assist persons in carrying out research and development projects addressed to any aspect of United States fisheries, including, but not limited to, harvesting, processing, marketing, and associated infrastructures.

[(2) The Secretary shall—

[(A) at least once each fiscal year, receive, during a 60-day period specified by him, applications for grants under this subsection;

[(B) prescribe the form and manner in which applications for grants under this subsection must be made, including, but not limited to, the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be evaluated in accordance with paragraph (3)(B); and

[(C) approve or disapprove each such application before the close of the 120th day after the last day of the 60-day period (specified under subparagraph (A)) in which the application was received.

[(3) No application for a grant under this subsection may be approved unless the Secretary—

[(A) is satisfied that the applicant has the requisite technical and financial capability to carry out the project; and

[(B) evaluates the proposed project as to—

[(i) soundness of design,

[(ii) the possibilities of securing productive results,

[(iii) minimization of duplication with other fisheries research and development projects,

[(iv) the organization and management of the project,



[(v) methods proposed for monitoring and evaluating the success or failure of the project, and

[(vi) such other criteria as the Secretary may require.

[(4) Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including, but not limited to, the following:

[(A) The recipient of the grant must keep such records as the Secretary shall require as being necessary or appropriate for disclosing the use made of grant funds and shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

[(B) The amount of a grant may not be less than 50 percent of the estimated cost of the project.

[(C) The recipient of the grant must submit to the Secretary periodic project status reports.]

(c) *FISHERIES RESEARCH AND DEVELOPMENT PROJECTS.*—

(1) *IN GENERAL.*—*The Secretary shall make grants from the fund established under subsection (b) for the purpose of assisting persons in carrying out research and development projects to promote the sustainable use and development of United States fisheries, including harvesting, processing, aquaculture, marketing, and associated infrastructures.*

(2) *SECRETARY'S DUTIES.*—*The Secretary shall each fiscal year—*

(A) *receive at least once, during a 60-day period specified by the Secretary, applications for grants under this subsection pursuant to a Request for Proposals published in the Federal Register;*

(B) *prescribe in that Request for Proposals the form and manner in which applications for grants under this subsection must be made, including the specification of the information which must accompany applications to ensure that the proposed projects comply with Federal law and can be properly evaluated under paragraph (3);*

(C) *include in that Request for Proposals a list of priorities for grants under this subsection that is based on the priorities recommended for the fiscal year under paragraph (3)(F); and*

(D) *approve or disapprove each such application—*

(i) *based primarily on the recommendations of the grants review panel established under paragraph (3) for the fiscal year; and*

(ii) *before the end of the 90-day period beginning on the day after the last day of the application period specified in the Request for Proposals under subparagraph (A); and*

(E) *to the extent amounts are available, obligate funds for grants for approved applications before the end of the fiscal year for which the funds are available, except that up to 10 percent of funds available for a fiscal year may be obligated in the next fiscal year.*

(3) *EVALUATION AND APPROVAL OF PROPOSALS.*—

(A) *SUITABILITY FOR EVALUATION.*—For each application received under paragraph (2) in a fiscal year, the Secretary shall—

(i) make a determination whether the project proposed in the application meets the requirements of this subsection and is consistent with the priorities recommended for the fiscal year under subparagraph (F); and

(ii) if so, forward the proposal to the grants review panel established for the fiscal year under subparagraph (B).

(B) *GRANTS REVIEW PANEL.*—Each fiscal year, the Secretary shall establish a grants review panel that consists of individuals with expertise in fisheries research, development, or management, that represents a balance among those disciplines, that is balanced in the representation of those disciplines, and that is balanced in the representation of the geographic regions of the United States. Each grants review panel shall review each proposal forwarded by the Secretary under subparagraph (A)(ii) and make recommendations to the Secretary for awarding grants under this subsection among those proposals for the fiscal year, subject to the criteria described in subparagraph (C) and consistent with the funding available for the fiscal year.

(C) *CRITERIA FOR EVALUATION OF PROPOSALS.*—Each grants review panel shall evaluate each proposal as to—

(i) the value of the proposal in promoting the purpose described in paragraph (1) in general and in fulfilling the applicable regional priorities recommended under subparagraph (F);

(ii) the soundness of its design (including the likelihood of securing useful results, and the organization and management of the proposal);

(iii) the minimization of duplication within fisheries research and development activities; and

(iv) based on the criteria in clauses (i), (ii) and (iii), the overall quality and rank of the proposal relative to the other proposals under review.

(D) *INDUSTRIAL PARTNERS.*—In evaluating and ranking proposals under this subsection that are of equivalent overall quality and rank based on the criteria set forth in subparagraph (C), a grants review panel and the Secretary shall give preference to proposals in which at least 1 of the persons that would be a principal grantee under the proposal receives a substantial portion of income from seafood harvesting, processing, marketing, or propagation.

(E) *NOTICE OF DECISION BY THE SECRETARY.*—If the Secretary approves or disapproves an application for a proposal contrary to the recommendations of a grants review panel, the Secretary shall notify the panel, the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in writing of that decision, including the reasons for that decision.

(F) *RECOMMENDATIONS FOR FUTURE FUNDING PRIORITIES.*—Each grants review panel shall, after evaluating proposals and making grants recommendations, and after consulting with interested parties, recommend to the Secretary for the next fiscal year national and regional priorities for grants under this subsection.

(4) *TERMS AND CONDITIONS.*—Each grant made under this subsection shall be subject to such terms and conditions as the Secretary may require to protect the interests of the United States, including the following:

(A) *RECORDS.*—The recipient of the grant—

(i) must keep such records as the Secretary shall require as being necessary and appropriate for disclosing the use made of grant funds; and

(ii) shall allow the Secretary and the Comptroller General of the United States, or any of their authorized representatives, access to such records for purposes of audit and examination.

(B) *AMOUNT OF GRANT.*—The amount of a grant may not be less than 50 percent of the estimated cost of the project.

(C) *PERIOD OF GRANT.*—A grant may not provide funding for more than 2 years from the date of the release of the funds to the grantee.

(D) *STATUS REPORT.*—The recipient of a grant shall submit annually to the Secretary a project status report. The Secretary may not release funds to the recipient for any subsequent period of funding for that grant or for any other grant to that recipient made by the Secretary under this subsection until the Secretary receives that report.

\* \* \* \* \*

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1992

\* \* \* \* \*

### TITLE III—NOAA MARINE FISHERY PROGRAMS

\* \* \* \* \*

#### [SEC. 307. CHESAPEAKE BAY ESTUARINE RESOURCES OFFICE.

[(a) *ESTABLISHMENT.*—(1) The Secretary of Commerce shall establish, within the National Oceanic and Atmospheric Administration, an office to be known as the Chesapeake Bay Estuarine Resources Office (hereinafter referred to as the “Office”).

[(2) The Office shall be headed by a Director who shall be appointed by the Secretary of Commerce, in consultation with the Chesapeake Bay Executive Council. Any individual appointed as Director shall have knowledge and experience in research or resource management efforts in the Chesapeake Bay.

[(3) The Director may appoint such additional personnel for the Office as the Director determines necessary to carry out this section.

[(b) FUNCTIONS.—The Office, in consultation with the Chesapeake Bay Executive Council, shall—

[(1) provide technical assistance to the Administrator, to other Federal departments and agencies, and to State and local government agencies in—

[(A) assessing the processes that shape the Chesapeake Bay system and affect its living resources;

[(B) identifying technical and management alternatives for the restoration and protection of living resources and the habitats they depend upon; and

[(C) monitoring the implementation and effectiveness of management plans;

[(2) develop and implement a strategy for the National Oceanic and Atmospheric Administration that integrates the science, research, monitoring, data collection, regulatory, and management responsibilities of the Secretary of Commerce in such a manner as to assist the cooperative, intergovernmental Chesapeake Bay Program to meet the commitments of the Chesapeake Bay Agreement;

[(3) coordinate the programs and activities of the various organizations within the National Oceanic and Atmospheric Administration and the Chesapeake Bay Regional Sea Grant Programs (including programs and activities in coastal and estuarine research, monitoring, and assessment; fisheries research and stock assessments; data management; remote sensing; coastal management; and habitat conservation);

[(4) coordinate the activities of the National Oceanic and Atmospheric Administration with the activities of the Environmental Protection Agency and other Federal, State, and local agencies;

[(5) establish an effective mechanism which shall ensure that projects have undergone appropriate peer review and provide other appropriate means to determine that projects have acceptable scientific and technical merit for the purpose of achieving maximum utilization of available funds and resources to benefit the Chesapeake Bay area;

[(6) remain cognizant of ongoing research, monitoring, and management projects and assist in the dissemination of the results and findings of those projects; and

[(7) submit a biennial report to the Congress and the Secretary of Commerce with respect to the activities of the Office and on the progress made in protecting and restoring the living resources and habitat of the Chesapeake Bay.

[(c) BUDGET LINE ITEM.—The Secretary of Commerce shall identify, in the President's annual budget to the Congress, the funding request for the Office.

[(d) AUTHORIZATION OF APPROPRIATIONS.—Section 2 of the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98-210; 97 Stat. 1409), as amended by section 302 of this Act, is further amended by adding at the end the following new subsection:

[(“e) Of the sums authorized under subsection (a) of this section, no more than \$2,500,000 are authorized to be appropriated for each of the fiscal years 1992 and 1993 to enable the National Oceanic

and Atmospheric Administration to establish the Chesapeake Bay Estuarine Resources Office under section 306 of the National Oceanic and Atmospheric Administration Authorization Act of 1991. No more than 20 percent of the amount appropriated under the authorization in this subsection shall be used for administrative purposes.”

[(e) CHESAPEAKE EXECUTIVE COUNCIL.—For purposes of this section, “Chesapeake Executive Council” means the representatives from the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the Environmental Protection Agency, the District of Columbia, and the Chesapeake Bay Commission, who are signatories to the Chesapeake Bay Agreement, and any future signatories to that Agreement.]

\* \* \* \* \*

## TITLE VI—NOAA FLEET MODERNIZATION

\* \* \* \* \*

### SEC. 602. DEFINITIONS.

In this title, the term—

(1) \* \* \*

\* \* \* \* \*

(6) “contract” means any contract or other agreement for the construction, conversion, lease, chartering, service life extension, or repair or maintenance of any vessel of the NOAA fleet, and provision of related equipment, including the development of any necessary requirement, design, or specification. The term includes contracts entered into on behalf of the Secretary by another Federal department, agency, or instrumentality, if the vessel which is the subject of the contract will be operated by or for the benefit of the Department of Commerce.

\* \* \* \* \*

---

## ACT OF JULY 17, 1984

AN ACT To authorize appropriations to carry out the Marine Mammal Protection Act of 1972, for fiscal years 1985 through 1988, and for other purposes.

\* \* \* \* \*

## TITLE II

SEC. 201. (a) The Secretary of Commerce shall provide for the establishment of a National Coastal Resources Research and Development Institute (hereinafter in this title referred to as the “Institute”) to be administered [by the Oregon State Marine Science Center] by the Oregon State System of Higher Education.

[(b) The Institute shall conduct research and carry out educational and demonstration projects designed to promote the efficient and responsible development of ocean and coastal resources, including arctic resources. Such projects shall be based on biological, geological, genetic, economic and other scientific research applicable to the purposes of this title and shall include studies on the

economic diversification and environmental protection of the Nation's coastal areas.

[(c)(1) The policies of the Institute shall be determined by a Board of Governors composed of—

[(A) two representatives appointed by the Governor of Oregon;

[(B) one representative appointed by the Governor of Alaska;

[(C) one representative appointed by the Governor of Washington;

[(D) one representative appointed by the Governor of California; and

[(E) one representative appointed by the Governor of Hawaii.]

(b) *The Institute shall promote the economic growth and prosperity of the United States by transferring research and technology into applications to improve the economic, environmental, and social well-being of the Nation's coastal communities and the competitiveness of coastal businesses.*

(c)(1) *The policies of the Institute shall be determined by a Board of Governors composed of—*

(A) *1 representative appointed by the Chancellor of the Oregon State System of Higher Education; and*

(B) *1 representative of each of the following regions, appointed jointly by Governors of the States comprising that region:*

(i) *The Alaska region, consisting of Alaska.*

(ii) *The Northwest Pacific Coast region, consisting of Oregon and Washington.*

(iii) *The Southwest Pacific Coast region, consisting of California.*

(iv) *The Pacific Islands region, consisting of Hawaii, American Samoa, and Guam.*

(v) *The Great Lakes region, consisting of Pennsylvania, Ohio, Michigan, Indiana, Illinois, Wisconsin, and Minnesota.*

(vi) *The Gulf Coast region, consisting of Texas, Louisiana, Mississippi, and Alabama.*

(vii) *The South Atlantic and Caribbean region, consisting of South Carolina, Georgia, Florida, Puerto Rico, and the U.S. Virgin Islands.*

(viii) *The Mid-Atlantic region, consisting of Delaware, Maryland, Virginia, and North Carolina.*

(ix) *The North Atlantic region, consisting of New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, and Maine.*

\* \* \* \* \*

(d)(1) *The Board of Governors shall establish an Advisory Council composed of specialists in ocean and coastal resources from the academic community and leaders in coastal communities and businesses.*

\* \* \* \* \*

(e) *The Institute shall be administered by a Director who shall be appointed by the Chancellor of the [Oregon Board of Higher*

**Education]** *Oregon State System of Higher Education* in consultation with the Board of Governors.

\* \* \* \* \*

[(g) The Institute shall report to the Secretary of Commerce on its activities within 2 years after the date of enactment of this Act.]

(g) *The Institute shall report to the Congress on its activities annually, and shall report to the Secretary of Commerce in a like manner biennially.*

\* \* \* \* \*

## XII. COMMITTEE RECOMMENDATIONS

A quorum being present, the Committee favorably reported the bill, H.R. 4008, as amended, by voice vote, and recommends its enactment.

